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WESTERN DISTRICT OF LOUISIANA
ALEXANDRIA, LOUISIANA

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
ALEXANDRIA DIVISION

RICARDO K. DUKES

CIVIL ACTION NO. 14-031

VERSUS

JUDGE TRIMBLE

LA ATTORNEY GENERAL

MAGISTRATE JUDGE KIRK

J U D G M E N T

Before the court is the report and recommendation of the magistrate judge recommending denial and dismissal of petitioner's § 2254 habeas corpus petition.¹ After review of the entire record in this matter, including the objections filed by petitioner, it is the finding of this court that the proposed findings and recommendations of the magistrate judge are correct under applicable law and jurisprudence and should be adopted in full by this court.

Petitioner's objections, though noted, are meritless in the context of this habeas corpus petition. Specifically, petitioner asks that the court allow him to withdraw his plea and order that he be retried to a twelve-man jury based on petitioner's belief that the evidence in his case presents "errors" which would likely result in an acquittal, were he tried.² These "objections" are actually newly asserted grounds for habeas relief and were not included in petitioner's petition.³ It is, therefore,

¹ R. 15.


² R. 17.

³ R. 1.

ORDERED, ADJUDGED and DECREED that petitioner's petition for writ of habeas corpus under § 2254 is **DENIED AND DISMISSED WITH PREJUDICE** for the reasons expressed in the report and recommendation of the magistrate judge issued in this matter.

Petitioner must assert his challenge to the validity of his plea via a separate habeas corpus petition, although the court cautions that we make no representation that petitioner's newly-raised grounds for relief have merit or are not procedurally barred.

THUS DONE AND SIGNED in chambers at Alexandria, Louisiana this 5th day of August, 2014.



JAMES T. TRIMBLE, JR.
UNITED STATES DISTRICT JUDGE